

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

RADIUS HEALTH, INC. and IPSEN)	
PHARMA S.A.S.,)	
)	
Plaintiffs,)	
)	C.A. No. 22-11546-RGS
v.)	
)	
ORBICULAR PHARMACEUTICAL)	
TECHNOLOGIES PRIVATE LIMITED,)	
)	
Defendant.)	
)	

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to Local Rule 16.6(e)(1)(D) and the Court’s Scheduling Order of April 19, 2023 (D.I. 28), Plaintiffs Radius Health, Inc. (“Radius”) and Ipsen Pharma S.A.S. (“Ipsen”) and Defendant Orbicular Pharmaceutical Technologies Private Limited (“Orbicular”) (collectively, the “Parties”) hereby submit their Joint Claim Construction Statement for U.S. Patent Nos. 8,148,333 (the “333 patent”); 8,748,382 (the “382 patent”); 10,996,208 (the “208 patent”); and RE49,444 (the “444 patent”) (collectively, the “Asserted Patents”), attached hereto as Exhibit A.

Exhibit A contains the Parties’ (1) agreed-upon claim constructions; and (2) disputed claim constructions. The Parties agree that no other claim terms in the Asserted Patents require construction. Unless otherwise instructed by the Court, Plaintiffs believe that any issue of indefiniteness should be deferred until later in the litigation. Defendant believes it would be more efficient to consider indefiniteness together with claim construction but would defer to the Court’s

preferences.¹ The Parties reserve the right to supplement and/or modify their proposed constructions as appropriate, including as discovery proceeds.

PLAINTIFFS RADIUS HEALTH, INC. AND
IPSEN PHARMA S.A.S.

By their Counsel,

Dated: May 22, 2023

/s/ Eric J. Marandett

Eric J. Marandett (BBO# 561730)

emarandett@choate.com

Sophie F. Wang (BBO# 679642)

swang@choate.com

Bryana T. McGillicuddy (BBO# 684990)

bmcgillicuddy@choate.com

Natalia Smychkovich (BBO# 699289)

nsmychkovich@choate.com

CHOATE, HALL & STEWART LLP

Two International Place

Boston, MA 02110

Tel.: (617) 248-5000

Fax: (617) 248-4000

¹ Nothing in this Joint Claim Construction Statement or Exhibit A shall be construed as a waiver of any arguments or admission with respect to the validity, invalidity, infringement, or non-infringement of any patent claim.

DEFENDANT ORBICULAR
PHARMACEUTICAL TECHNOLOGIES
PRIVATE LIMITED

By their Counsel,

Dated: May 22, 2023

/s/ Alan Pollack
Alan Pollack (*pro hac vice*)

Catherine Rajwani
crajwani@harborlaw.com
THE HARBOR LAW GROUP, P.C.
96 West Main Street, Suite C
Northborough, MA 01532
Tel.: (508) 393-9244

Louis H. Weinstein (*pro hac vice*)
Alan Pollack (*pro hac vice*)
WINDELS, MARX, LANE & MITTENDORF, LLP
One Giralda Farms
Madison, NJ 07940
Tel.: (973) 966-3212
Fax: (973) 966-3250
lweinstein@windelsmarx.com
apollack@windelsmarx.com

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those non-registered participants (if any) on May 22, 2023.

Dated: May 22, 2023

/s/ Bryana T. McGillicuddy
Bryana T. McGillicuddy (BBO# 684990)